

**INTER-OFFICE MEMORANDUM
ST. LUCIE COUNTY, FLORIDA**

TO: Board of County Commissioners

FROM: Heather Young, Assistant County Attorney

C.A. NO: 05-615

DATE: April 11, 2005

SUBJECT: Ordinance No. 05-003 - Historic Preservation Ordinance

BACKGROUND:

On April 19, 2005, the Board of County Commissioners will hold its third public hearing on proposed Ordinance No. 05-003 which would create Chapter 1-10.2 (Historic Preservation) of the St. Lucie County Code of Ordinances and Compiled Laws. In addition to the public hearings before the Board and the Local Planning Agency, the County has held several public informational meetings to present the proposed ordinance to the public.

During each of the informational meetings and the public hearings, the primary concern expressed by those in attendance has centered around the historic property designation procedures set forth in Section 1-10.2-13 of the ordinance and the potential for designation of a property over the objections of the property owner. As originally drafted, designation required approval by a simple majority of the Board. In response to concerns expressed during the initial public meetings and Local Planning Agency public hearing, that was revised to require a super majority affirmative vote. Despite this revision, it was apparent during the first two public hearings before the Board that these concerns still remain. Several members of the public have expressed support for the provision in the Martin County Historic Preservation Ordinance which permits an owner of private property which qualifies for designation to either accept or reject the designation following approval by the Historic Preservation Board. The Martin County ordinance does not provide for the Board of County Commissioners' involvement in the designation process. If the Board chooses to include an "opt out" provision, staff would recommend that Sections 1-10.2-13(5) and 1-10.2-13(6) be revised to incorporate the highlighted text as follows:

1-10.2-13(5) *Notification of owner.* For each proposed designation of an individual site, or district or archaeological zone, the Historic Preservation Committee is encouraged to shall obtain the permission of property owner(s) of the individual site or within the designated area, and is responsible for sending by certified mail a copy of the designation report to the owner(s) as

notification of the intent of the Historic Preservation Committee to consider designation of the property at least thirty (30) days prior to a public hearing held pursuant to this ordinance. In the event a property owner notifies the Historic Preservation Committee that he or she objects to the proposed designation, no further action shall be taken regarding designation of that owner's property unless an application is submitted by the owner.

1
2 (6) Interim protection measure: From the date of said notification
3 of the owner, no building construction or vegetation removal permit
4 for any new construction, alteration, relocation, or demolition or
5 surface alterations that may affect the property proposed for
6 designation shall be issued until the Board approves or denies the
7 designation or the property owner notifies the Historic Preservation
8 Committee that he or she objects to the proposed designation in
9 accordance with this section, or one hundred twenty (120) days have
10 elapsed, whichever shall occur first.
11

12 An additional public meeting to discuss the alternative language has been
13 scheduled for Thursday, April 14, 2005 at 6:00 p.m. in the Commission Chambers.
14 Notices of the meeting which included the alternative language set forth above were
15 mailed on April 8, 2005.
16

17 Members of the public have also expressed concern with regard to the
18 effective date for the ordinance. Accordingly, staff is recommending an October 1,
19 2005 effective date in order to allow sufficient time to appoint the Historic
20 Preservation Officer and the Historic Preservation Committee and to draft the
21 necessary forms and procedures which will be required to implement the ordinance.
22

23 Attached to this memorandum are a copy of proposed Ordinance No. 05-003
24 and procedural outlines for implementation of the proposed ordinance. For
25 information purposes, a map indicating the location of the existing archaeological
26 zones and a map showing the properties identified in the 2003 St. Lucie County
27 Historic Resources Survey are also attached for your reference.
28

29 **RECOMMENDATION/CONCLUSION:**
30

31 Staff recommends that the Board of County Commissioners approve proposed
32 Ordinance No. 05-003 to be effective October 1, 2005.
33

34 Respectfully submitted,
35
36

37 _____
38
39 Heather Young
40 Assistant County

41 Attorney
42
43
44

1 **Attachments**

2 **HY/**

3 **Copies to: County Administrator**
4 **Assistant County Administrator**
5 **Cultural Affairs Director**
6 **Planning Manager**
7 **Diana Waite, Planner III**

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9
10
11
12 **ORDINANCE NO. 05-003**
13 **(FORMERLY ORDINANCE NO. 04-12)**
14
15

16 **AN ORDINANCE OF THE COUNTY OF ST. LUCIE COUNTY, FLORIDA,**
17 **CREATING CHAPTER 1-10.2 (HISTORIC PRESERVATION) OF THE ST.**
18 **LUCIE COUNTY CODE AND COMPLIED LAWS TO PROVIDE FOR THE**
19 **IDENTIFICATION, PROTECTION, RESTORATION AND PROMOTION OF**
20 **HISTORIC BUILDINGS, SITES, DISTRICTS, LANDSCAPE FEATURES,**
21 **OBJECTS AND STRUCTURES WHICH HAVE DEMONSTRATED**
22 **HISTORICAL, ARCHITECTURAL OR ARCHAEOLOGICAL SIGNIFICANCE;**
23 **CREATING SECTION 1-10.2-1 (SHORT TITLE) TO PROVIDE FOR THE**
24 **ORDINANCE TO BE KNOWN AS THE “ST. LUCIE COUNTY HISTORIC**
25 **PRESERVATION ORDINANCE”; CREATING SECTION 1-10.2-2 (PURPOSE);**
26 **CREATING SECTION 1-10.2-3 (DEFINITIONS); CREATING ARTICLE II.**
27 **HISTORIC PRESERVATION OFFICER; CREATING SECTION 1-10.2-4**
28 **(APPOINTMENT AND DUTIES); CREATING ARTICLE III. HISTORIC**
29 **PRESERVATION COMMITTEE; CREATING SECTION 1-10.2-5 (CREATION);**
30 **CREATING SECTION 1-10.2-6 (COMPOSITION; QUALIFICATION OF**
31 **MEMBERS); CREATING SECTION 1-10.2-7 (TERM; REMOVAL); CREATING**
32 **SECTION 1-10.2-8 (ORGANIZATION); CREATING SECTION 1-10.2-9**
33 **(MEETINGS; RECORDS); CREATING SECTION 1-10.2-10 (RULES AND**
34 **REGULATIONS); CREATING SECTION 1-10.2-11 (FUNCTIONS, POWERS**
35 **AND DUTIES); CREATING ARTICLE IV. DESIGNATION PROCESS AND**
36 **PROCEDURE; CREATING SECTION 1-10.2-12 (CRITERIA); CREATING**
37 **SECTION 1-10.2-13 (PROCEDURES FOR HISTORIC DESIGNATION);**
38 **CREATING ARTICLE V. CERTIFICATE OF APPROPRIATENESS;**
39 **CREATING SECTION 1-10.2-14 (REQUIRED); CREATING SECTION 1-10.2-15**
40 **(FORMS AND FEES); CREATING SECTION 1-10.2-16 (PRE-APPLICATION**
41 **CONFERENCE); CREATING SECTION 1-10.2-17 (STANDARDS FOR REVIEW**
42 **AND ISSUANCE); CREATING SECTION 1-10.2-18 (STANDARD**
43 **CERTIFICATE OF APPROPRIATENESS); CREATING SECTION 1-10.2-19**
44 **(SPECIAL CERTIFICATE OF APPROPRIATENESS); CREATING SECTION 1-**
45 **10.2-20 (DEMOLITION); CREATING SECTION 1-10.2-21 (ECONOMIC**
46 **HARDSHIP); CREATING SECTION 1-10.2-22 (MAINTENANCE OF**

1 **DESIGNATED PROPERTIES); CREATING ARTICLE VI. CERTIFICATE TO**
2 **DIG; CREATING SECTION 1-10.2-23 (CERTIFICATE TO DIG); CREATING**
3 **ARTICLE VII. APPEALS; CREATING SECTION 1-10.2-24 (APPEALS);**
4 **CREATING ARTICLE VIII. PENALTIES; CREATING SECTION 1-10.2-25**
5 **(PENALTIES) CREATING ARTICLE IX. INCENTIVES; CREATING SECTION**
6 **1-10.2-26 (INCENTIVES); CREATING SECTION 1-10.2-27 (TAX EXEMPTION**
7 **FOR REHABILITATION OF HISTORIC PROPERTIES); PROVIDING FOR**
8 **CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY;**
9 **PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING; PROVIDING**
10 **AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; PROVIDING FOR**
11 **CODIFICATION**

12
13 **WHEREAS, the Board of County Commissioners of St. Lucie County,**
14 **Florida, has made the following determinations:**

15
16 1. There are located within St. Lucie County certain historic and prehistoric
17 archaeological sites and historic areas, structures, buildings and improvements both
18 public and private, both on individual properties and in groupings, that serve as reminders
19 of past eras, events and persons important in local, state and national history; or that
20 provide significant examples of past architectural styles and constitute unique and
21 irreplaceable assets to the county;

22
23 2. It is the policy of the Board of County Commissioners of St. Lucie County
24 to recognize the importance of St. Lucie County's historic resources as a component of
25 the economy and to enhance them by encouraging awareness of history historic places
26 and cultural amenities;

27
28 3. The adopted comprehensive plan directs the County to identify and protect
29 archaeological and historical properties and to adopt a Historical Preservation Ordinance;

30
31 4. On March 22, 2004, the St. Lucie County Historical Commission
32 recommended approval of the Historical Preservation Ordinance;

33
34 5. On June 17, 2004, the Local Planning Agency/Planning and Zoning
35 Commission held a public hearing on the proposed ordinance after publishing notice in
36 The Tribune at least ten (10) days prior to the hearing and recommended that the
37 ordinance be approved.

38
39 6. On September 7, 2004, this Board canceled a public hearing on the
40 proposed ordinance, after publishing a notice of such hearing in The Tribune on August
41 27, 2005.

42
43 7. On January 25, 2004, this Board held a public hearing on the proposed
44 ordinance, after publishing a notice of such hearing in The Tribune on January 15, 2005.
45

1 8. On February 15, 2005, this Board held a second public hearing on the
2 proposed ordinance, after publishing a notice of such hearing in The Tribune on February
3 1, 2005.

4
5 9. On April 19, 2005, this Board held a third public hearing on the proposed
6 ordinance, after publishing a notice of such hearing in The Tribune on April X, 2005.

7
8 10. The proposed ordinance is consistent with the general purpose, goals,
9 objectives and policies of the St. Lucie County Comprehensive Plan and is in the best
10 interest of the welfare of the citizens of St. Lucie County Florida.

11
12 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
13 St. Lucie County, Florida:

14
15
16 **PART A.**

17
18 **CHAPTER 1-10.2 (HISTORIC PRESERVATION) of the St. Lucie County Code**
19 **and Compiled Laws is hereby created to read:**

20
21
22 **ARTICLE 1. GENERAL**

23
24 **Section 1-10.2.1. Short title.**

25
26 This ordinance shall be known as the “St. Lucie County Historic Preservation
27 Ordinance.”

28
29 **Section 1-10.2.2. Scope of Regulations.**

30
31 (1) This ordinance is intended to and shall govern and be applicable to all property
32 located within the unincorporated areas of St. Lucie County, Florida.

33
34 (2) The historic preservation ordinance shall be filed, and it shall address the
35 following sections: the establishment of an Historic Preservation Committee with powers
36 and duties; the creation of a process to designate historic buildings, sites, districts,
37 landscape features, roads, objects, structures, and archaeological sites; a process of
38 review for issuing certificates of appropriateness, and an appeal process. The County
39 shall submit the ordinance to the National Register of Historic Places for certification of
40 eligibility for the 1981 Economic Recovery Tax Act, as amended.

41
42 (3) The St. Lucie County Register of Historic Places is hereby created as a means of
43 identifying and classifying various sites, buildings, structures, objects and districts as
44 historically significant.

45
46 **Section. 1-10.2-3. Purpose**

1 (1) It is hereby declared as a matter of public policy that the protection, enhancement,
2 and perpetuation of properties of historical, cultural, archaeological, aesthetic and
3 architectural merit are in the interests of the health, prosperity and welfare of the people
4 of St. Lucie County.

5
6 (3) The purpose of this Ordinance is to protect the significant historic resources of St.
7 Lucie County, to the maximum extent practicable, in accordance with the goals and
8 policies of the St. Lucie County Comprehensive Plan, by providing procedures for the
9 designation and subsequent review of certain types of changes that are proposed for these
10 resources.

11
12 (4) The safeguarding of the historic resources in St. Lucie County is also intended to:

- 13
14 (a) Foster civic pride in the accomplishments of the past;
15 (b) Protect and enhance the County's historical heritage and provide an
16 economic stimulus through heritage tourism;
17 (c) Promote the protection and maintenance of individual sites and districts in
18 public acquisition programs for the education, pleasure and welfare of the
19 people of St. Lucie County; and
20 (d) Encourage adaptive use of historic resources by giving them priority over
21 activities that would harm or otherwise destroy their historic value.
22 (e) Enhance property values
23 (f) Stabilize neighborhoods and business centers.
24 (g) Increase economic and financial benefits to the County and its inhabitants.
25 (h) Combat blight.
26 (i) Promote historic awareness in the County.
27 (j) Enhance the visual and aesthetic character of the County.
28 (k) Protect and enhance the archaeological resources of the County.
29

30 (2) In addition, the provisions of this Chapter will assist the County and property
31 owners to be eligible for federal tax incentives, federal and state grant funds, and other
32 potential property tax abatement programs for the purpose of furthering historic
33 preservation activities, including, but not limited to, Section 193.503, Florida Statutes,
34 and the National Register of Historic Places program.

35
36 **Section 1-10.2-4. Definitions**

37
38 (1) Adaptive use: The process of converting a building to a use other than that for
39 which it was designed.

40
41 (2) Addition: A construction project physically connected to the exterior of a historic
42 building.

43
44 (3) Alteration: Any change affecting the exterior or appearance of an existing
45 improvement by additions, reconstruction, remodeling or maintenance involving change

1 of color, form, texture or materials, or any such changes in appearance of specially
2 designated interiors.

3
4 (4) *Archaeological site:* A single specific location that has yielded or is likely to yield
5 information on local history or prehistory.

6
7 (5) *Archaeological zone:* A geographically defined area, defined in the
8 Archaeological Survey of St. Lucie County, Florida (2000), as amended, which may
9 reasonably be expected to yield information on local history or prehistory based upon
10 broad prehistoric or historic settlement patterns.

11
12 (6) *Artifact:* Any object that is a product of human modification or objects that have
13 been transported to a site by people.

14
15 (7) *Building:* A resource created principally to shelter any form of human activity
16 such as a house, barn, church, hotel or similar construction.

17
18 (8) *Board:* The St. Lucie County Board of County Commissioners.

19
20 (9) *Certificate of Appropriateness:* A certificate issued by the St. Lucie County
21 Historic Preservation Committee or its designated staff, which permits certain alterations
22 or improvements to a designated individual site or a property within a historic district.

23
24 (10) *Certificate to Dig:* A type of certificate of appropriateness required by the County
25 for certain ground disturbing activities, such as filling, grading, swimming pool
26 excavation and the removal of vegetation and trees.

27
28 (11) *Certified Local Government:* A government satisfying the requirements of the
29 National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the
30 implementing of regulations of the U.S. Department of the Interior and the State of
31 Florida, Division of Historical Resources. A government that is certified will review all
32 nominations to the National Register of Historic Places within its jurisdiction prior to
33 reviews at the state and federal levels.

34
35 (13) *Community Redevelopment Agency (CRA):* A community redevelopment agency
36 designated pursuant to Section 163.356 or 163.357, Florida Statutes.

37
38 (14) *Contributing resource:* A building, site, landscape feature, object, structure, or
39 archaeological resource that adds to the historic associations, historic architectural
40 qualities, or archaeological values for which a property is significant because it was
41 present during the period of significance, relates to the documented significance of the
42 property, and possesses historic integrity or is capable of yielding important historical
43 information.

44
45 (15) *Cultural or historic resource:* Any prehistoric or historic district, site, building,
46 object or other real or personal property of historical, architectural or archaeological

1 value. The properties may include, but are not limited to, monuments, memorials,
2 habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships,
3 engineering works, treasure troves, artifacts, or other objects with intrinsic historical or
4 archaeological value, or any part thereof relating to the history, government or culture of
5 the County, the State of Florida, or the United States of America.

6
7 (16) Demolition: The act or process of wrecking, destroying or removing any building
8 or structure, or any portion thereof.

9
10 (17) Designated exterior: All outside surfaces of any building or structure that is
11 individually listed or listed in the designation report as having significant value to the
12 historic character of the building or district.

13
14 (18) Designation report: A document prepared by the staff of the Historic Preservation
15 Committee for all properties or districts that are proposed for local historic designation.
16 The report, at a minimum, must include a boundary description of the proposed site or
17 district, an evaluation of its significance as it relates to the criteria for significance,
18 location maps, representative photographs and a physical description of the historic
19 resource(s).

20
21 (19) Earthworks: Earthworks consist of linear ridges, circular embankments, and
22 causeways constructed of earth and/or shell, as well as their associated borrow pits, and
23 both linear and circular ditches. These are most often associated with other precontact
24 features such as mounds or middens, but they may occasionally be encountered in
25 isolation.

26
27 (20) Excavation: Any mechanical or manual removal of rock, consolidated or
28 unconsolidated soil material, sand, or vegetation. "Excavation" includes, but is not
29 limited to, dredging, draglining, bulldozing, scraping, digging, scooping, or hollowing
30 out.

31
32 (21) Historical Commission: The St. Lucie County Historical Commission established
33 pursuant to Section 1-16-41, St. Lucie County Code of Ordinances and Compiled Laws.

34
35 (22) Historic district: A geographically defined area possessing a significant
36 concentration, linkage or continuity of buildings, structures, objects, improvements or
37 landscape features, united by historic events or by plan or physical development, and
38 which area has been designated as a Historic District pursuant to procedures described
39 herein.

40
41 (23) Historic landscape feature: Individual plants, such as a specimen tree, or groups
42 of plants, such as a hedge, allee, agricultural field, planting bed, or a naturally occurring
43 plant community or habitat, with historical significance.

1 (24) *Historic Preservation Committee:* The St. Lucie County Historic Preservation
2 Committee, a citizen advisory committee established in accordance with Article III of
3 this ordinance.

4
5 (25) *Historic Preservation Officer:* A person appointed by the County Administrator to
6 serve as the staff to the Historic Preservation Committee. That person shall be
7 experienced in, or knowledgeable about, architectural history, urban design, historic
8 preservation principles, planning and land use regulations.

9
10 (26) *Interim protection measure:* The interim period of time needed to protect a
11 property from demolition, relocation, alteration, or new construction until such period of
12 time provided by law passes for the property to be considered for designation as a historic
13 site, or historic district, or zone.

14
15 (27) *Local Register of Historic Places:* The St. Lucie County Register of Historic
16 Places.

17
18 (28) *National Register of Historic Places:* A federal listing maintained by the U.S.
19 Department of the Interior of buildings, structures, sites, objects and districts that have
20 met the criteria for significance contained in the National Historic Preservation Act of
21 1966 (as amended.)

22
23 (29) *Non-contributing resource:* A building, site, landscape feature, object, or structure
24 that does not add to the historic architectural qualities, historic associations or
25 archaeological values for which a property is significant because it was not present
26 during the period of significance or does not relate to the documented significance of the
27 property and/or, due to alterations, disturbances, additions, or other changes, it no longer
28 possesses historic integrity or is no longer capable of yielding important information
29 about the period.

30
31 (30) *Object:* Those objects that are primarily artistic in nature, or are relatively small in
32 scale and simply constructed. It may be, by nature or design, movable; an object is
33 associated with a specific setting or environment.

34
35 (31) *Ordinary maintenance and repair:* Any exterior work for which a building permit
36 is not required by law, where the purpose and effect of such work is to correct any
37 physical deterioration or damage of an element, by restoring it as nearly as possible to its
38 appearance using materials consistent with the original materials.

39
40 (32) *Preservation:* The act or process of applying measures necessary to sustain the
41 existing form, integrity, and materials of an historic property.

42
43 (33) *Rehabilitation:* The act or process of returning a property to a state of utility
44 through repair or alteration which makes possible an efficient contemporary use, while
45 preserving those portions or features of the property that are significant to its historical,
46 architectural and cultural values.

1
2 (34) Restoration: The act or process of accurately recovering the form and details of a
3 property and its setting as it appeared at a particular period of time by means of removal
4 of later work or by the replacement of missing earlier work and utilizing traditional
5 materials.

6
7 (35) Scale: The character of any architectural work is determined both in its internal
8 space and in its external volume by the fundamental factor of scale, the relation between
9 the interior space and exterior volume.

10
11 (36) Secretary of the Interior's Standards for Rehabilitation and Guidelines for
12 Rehabilitation of Historic Buildings: A set of guidelines produced by the Department of
13 the Interior that establish professional standards and provide advice and guidelines on the
14 rehabilitation of historic properties and acceptable preservation treatments. The standards
15 pertain to exterior and interior work on historic buildings.

16
17 (37) Site – The location of a significant event, a prehistoric or historic occupation or
18 activity, or a structure, whether standing, ruined, or vanished, where the location itself
19 possess historic, cultural, archaeological, or paleontological value regardless of the value
20 of any exiting structure.

21
22 (38) St. Lucie County Historic Resources Survey, 2003: A survey that identifies the
23 historic resources of St. Lucie County. The survey results include mapping; photographic
24 documentation; research into the date of construction and original uses; and a detailed
25 description of each resource.

26
27 (39) Special Certificate of Appropriateness: A Special Certificate of Appropriateness
28 is required for work that includes: additions, alterations, new construction, relocations, or
29 demolition, and for those instances when the proposed work is deemed to have a
30 significant impact on the historic resource(s). The Historic Preservation Committee shall
31 review the request.

32
33 (40) Standard Certificate of Appropriateness: A Standard Certificate of
34 Appropriateness shall be issued by the staff of the Historic Preservation Committee when
35 the work proposed is a minor alteration, routine maintenance or in-kind replacement as
36 set forth in the rules adopted by the Historic Preservation Committee.

37
38 (41) St. Lucie County Register of Historic Places: A register of those individual
39 cultural and historic resources and districts that have been designated as historic pursuant
40 to this ordinance.

41
42 (42) Streetscape: A view or vista of a specific street, the distinguishing characteristics
43 of which are created by the width of the street and sidewalks, their paving material and
44 color, the design of street furniture, the use of plant materials such as trees and shrubs,
45 the setback, mass, proportion and scale of those buildings that enclose the street.
46

1 (43) Structure: Those functional constructions made usually for purposes other than
2 human shelter.

3
4 (44) Undue economic hardship: An exceptional financial burden that might otherwise
5 amount to the taking of property without just compensation, or failure to achieve a
6 reasonable economic return.

11 **ARTICLE II. HISTORIC PRESERVATION OFFICER**

13 **Section 1-10.2-4. Appointment and duties.**

14
15 The County Administrator shall appoint a person to serve as the St. Lucie County
16 Historic Preservation Officer. The appointee shall be knowledgeable and experienced in
17 architectural history, urban design, local history, site planning and land use regulations.
18 The Historic Preservation Officer shall:

19
20 (1) Schedule the meetings of the Historic Preservation Committee, prepare
21 agendas, and ensure that proper notice of the meetings are afforded to the public and
22 affected parties.

23
24 (2) Prepare local historic designation reports and make recommendations to
25 the Historic Preservation Committee as to whether or not they meet the designation
26 criteria under Article IV of this ordinance.

27
28 (3) Upon receipt of a completed application for a Certificate of
29 Appropriateness, evaluate the scope of the project to determine whether it will be
30 considered for review as a Standard or Special Certificate of Appropriateness, and then
31 process the application as described in Article V and VI of this ordinance.

32
33 (4) Maintain and update the official inventory and map of historically
34 designated sites and districts.

35
36 (5) Prepare summaries of all decisions regarding applications to include the
37 criteria and conditions for approval or denial.

38
39 (6) Review all plans for designated historic sites and historic districts, for their
40 compliance with the terms and conditions of applicable Certificates of Appropriateness or
41 Certificate to Dig prior to the issuance of a construction or vegetation removal permit.

42
43 (7) Apply for preservation grants and actively participate in other historic
44 preservation programs, such as the Historic Marker Program, administered by the Florida
45 Division of Historical Resources, Bureau of Historic Preservation.

1 (8) Serve as the Certified Local Government Coordinator between the Board
2 and the Florida Division of Historical Resources, Bureau of Historic Preservation.

3 4 5 **ARTICLE III. HISTORIC PRESERVATION COMMITTEE**

6 7 **Section 1-10.2-5. Creation.**

8
9 The St. Lucie County Historic Preservation Committee is hereby created and established
10 as a committee of the St. Lucie County Historical Commission. The Committee is hereby
11 vested with the power, authority and jurisdiction to recommend local historic
12 designations; issue Certificates of Appropriateness; and to regulate and administer the
13 historical, cultural, architectural and archaeological resources in St. Lucie County, as
14 prescribed by this ordinance and the direct jurisdiction and legislative control of the
15 Board.

16 17 **Section 1-10.2-6. Composition; qualification of members.**

18
19 (1) The Historic Preservation Committee shall consist of seven (7) members.
20 Each one of the five (5) County Commissioners shall individually appoint one member of
21 the Historic Preservation Committee whose term shall coincide with the term of the
22 Commissioner who appointed that member. The Board shall collectively appoint the
23 other two (2) at large members from the Historical Commission whose initial terms on
24 the Historic Preservation Committee shall be established by resolution of the Board. Each
25 member of the Historic Preservation Committee shall hold office only so long as he or
26 she is a resident of St. Lucie County. To the extent practicable, the Board shall appoint
27 practicing or retired professional members from the following disciplines who have
28 demonstrated a significant level of interest, experience or knowledge in historic
29 preservation:

- 30
31 a. Anthropology or archaeology
32 b. Real estate, land development or finance
33 c. History, folklore or architectural history
34 d. Conservation or curation
35 e. Architecture or historic architecture
36 f. Historic preservation
37 g. Land use planning or historic preservation planning
38 h. General or residential contractor
39 i. Professional engineer
40

41 In the event persons in such disciplines are unavailable, the Board may appoint
42 individuals who have demonstrated a significant level of interest, experience or
43 knowledge in historic preservation.

44
45 (2) Special advisors may be appointed by the Board upon the recommendation
46 of the Historic Preservation Committee. They shall serve as ex-officio members having

1 no vote. The Historic Preservation Committee may also seek expertise on proposals or
2 matters requiring evaluation by a profession not represented on the Historic Preservation
3 Committee.

4
5 (3) Members of the Historic Preservation Committee shall serve without
6 compensation, but shall be reimbursed for necessary expenses directly related to the
7 performance of their official duties.

8
9
10
11 **Section 1-10.2-7. Term; removal.**

12
13 (1) The term limit for service to the Historic Preservation Committee shall be
14 two consecutive terms, not to exceed a total of eight (8) years.

15
16 (2) An at large member of the Historic Preservation Committee may be
17 removed from office only by a vote of the Board.

18
19 (3) Should a Historic Preservation Committee member fail to attend three (3)
20 consecutive meetings, the Committee Chairman shall certify the same to the Board. Upon
21 such certification, the member shall be deemed to have been removed and the Board shall
22 fill the vacancy by appointment.

23
24 **Section 1-10.2-8. Organization.**

25
26 The members of the Historic Preservation Committee shall elect members to serve as the
27 Committee's Chair and Vice-Chair, for a period of one (1) year. Nothing shall prevent
28 the Historic Preservation Committee from electing a Chair or Vice-Chair for successive
29 terms. The Historic Preservation Officer or such Officer's representative shall serve as
30 staff liaison to the Historic Preservation Committee with no vote.

31
32 **Section 1-10.2-9. Meetings, records**

33
34 (1) Meetings. The Historic Preservation Committee shall be required to hold
35 regular meetings at least four (4) times a year. The Historic Preservation Committee may
36 conduct special meetings as the Historic Preservation Committee may determine, or at
37 the call of the Chair for consideration of business before the Historic Preservation
38 Committee. All meetings of the Historic Preservation Committee shall be publicly
39 announced and shall be open to the public. Meetings will have a previously advertised
40 agenda. The time and place of the meetings, the order of business and the procedures to
41 be followed shall be as prescribed by the Historic Preservation Committee and shall be
42 available for public inspection. All meetings convened to consider local historic
43 designation, Certificates to Dig or Special Certificates of Appropriateness shall be
44 advertised at least ten (10) days prior to the meeting in a newspaper having a general
45 circulation within St. Lucie County.

1 (2) Voting. All Historic Preservation Committee meetings will be held in a
2 public forum. A majority of the Historic Preservation Committee shall constitute a
3 quorum, and an affirmative vote equal to a majority of the quorum present, whichever is
4 greater, shall be necessary for the adoption of any motion.

5
6 (3) Minutes. The Historic Preservation Committee shall keep minutes and
7 records of all meetings and proceedings, including voting records, attendance,
8 resolutions, findings, determinations, and decisions. Such records shall be filed in the
9 office of the Historic Preservation Officer and shall be open for public inspection.

10
11 **Section 1-10.2-10. Rules and regulations.**

12
13 The Historic Preservation Committee shall make and prescribe such rules and regulations
14 reasonably necessary and appropriate for the proper administration and enforcement of
15 the provisions of this ordinance. Such rules and regulations shall conform to the
16 provisions of this ordinance, shall not conflict with any applicable laws or regulations,
17 and shall govern and control procedures, hearings and actions of the Historic Preservation
18 Committee. No such rules and regulations shall become effective until a public hearing
19 has been held upon the proposed rules and regulations, and any amendments or
20 modifications thereto, and the same have been approved by resolution of the Board and
21 filed with the Clerk of the Circuit Court. Upon approval by the Board, such rules and
22 regulations shall have the force and effect of law within the unincorporated areas of St.
23 Lucie County, Florida.

24
25 **Section 1-10.2-11. Functions, powers and duties.**

26
27 The Historic Preservation Committee shall have the following powers and duties:

- 28
29 (1) Recommend adoption or amendment of Rules of Procedure.
30
31 (2) Recommend designation of individual sites, and historic districts and
32 archaeological zones.
33
34 (3) Initiate petitions for the designation of individual sites and historic
35 districts.
36
37 (4) Issue or deny Certificates of Appropriateness and Certificates to Dig.
38
39 (5) Approve historical markers for properties listed in the St. Lucie County
40 Register of Historic Places.
41
42 (6) Recommend building and zoning amendments to the proper authorities.
43
44 (7) Establish criteria for staff to issue Standard Certificates of
45 Appropriateness.
46

1 (8) Review and update the St. Lucie County Historic Resources Survey and
2 the Archaeological Survey of St. Lucie County.

3
4 (9) Promote the awareness of historic preservation concerns throughout the
5 community.

6 (10) Review and make recommendations regarding the acceptance of donations
7 of real property to the Board.

8
9 (11) Recommend as appropriate that certain provisions of the zoning code be
10 varied, amended or superceded as a means of encouraging historic preservation.

11
12 (12) Contact public and private organizations and individuals for the purpose of
13 arranging intervening agreements that may lead to the preservation of historic resources
14 that might otherwise be demolished.

15
16 (13) Evaluate and comment upon pending decisions by other public agencies
17 that affect the physical development and appearance of architecturally, archaeologically
18 or historically significant sites, districts and archaeological zones.

19
20 (14) Coordinate with the State of Florida's Division of Historical Resources
21 Certified Local Government program as follows:

22
23 a. The Division shall be given thirty (30) days prior notice of all
24 meetings and within thirty (30) days following such meetings the Division shall
25 be provided with the minutes and record of attendance of both the Committee and
26 the public.

27 b. The Division shall be notified of any change of Committee
28 members within thirty (30) days of any changes in membership.

29 c. Notify the State Historic Preservation Officer within five (5)
30 business days of all new historic designations or alterations to existing
31 designations.

32 d. Any amendments to the ordinance shall be submitted to the State
33 Historic Preservation Officer for review and comment at least thirty (30) days
34 prior to adoption.

35 e. The Division of Historical Resources shall be provided with an
36 annual report by November 1 covering activities of the previous October 1
37 through September 30 and shall include the following information:

- 38
39 1. Any changes in the Board's Rules of Procedure;
40 2. All new National Register listings;
41 3. All new local historic designations and alterations to
42 existing designations;
43 4. Any changes to Board memberships and a copy of their
44 resumes;
45 5. Revised resumes of Board members as appropriate;
46 6. Any amendments to this Chapter;

7. A review of survey and inventory activities with a description of the system used;
8. A program report on each grant-assisted activities; and
9. Number of projects reviewed.

(15) The Historic Preservation Committee shall have the authority to review applications for Certificates of Appropriateness for all property in the unincorporated St. Lucie County, however owned, by either private or public parties. Except as otherwise provided by law, this shall apply equally to plans; projects or work executed or assisted by any private party, governmental body or agency, department, authority or Board of the City, County or State.

(16) The Historic Preservation Committee shall receive all nominations of local property to the National Register of Historic Places following the regulations of the State Historic Preservation Office. The Committee shall give notice to the owner of the property at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Committee meeting at which the nomination will be considered. The Committee shall also obtain approval by the Board for the nomination to the National Register, and these recommendations shall be given to the Board within thirty (30) days. The Committee shall obtain comments from the public that shall be included in the report making a recommendation. Objections to being listed in the National Register by property owners must be notarized and filed with the Historic Preservation Officer. Within thirty (30) days after the Board meeting, the Committee recommendation shall be forwarded to the State Historic Preservation Officer. The State Historic Preservation Officer will take further steps on the nomination in accordance with federal and state regulations. If the Board supports the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the state review board for the National Register at its next regular meeting.

ARTICLE IV. DESIGNATION PROCESS AND PROCEDURE

Section 1-10.2-12. Criteria.

(1) The Historic Preservation Committee shall have the authority to recommend designation of buildings, sites, districts, landscape features, roads, objects, structures and resources as sites, districts or zones that are significant in St. Lucie County's history, architecture, archaeology or culture and possess an integrity of location, design, setting, materials, workmanship, feeling or association, and meets one or more of the following criteria:

- a. Significant Event – Associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, St. Lucie County, the region, the state or the nation; or

1 b. Significant Person – Associated with persons significant in the
2 County, the region, the state or the nation’s past; or

3
4 c. Architectural Significance – Embodies the distinctive
5 characteristics of a type, period, style or method of construction or work of a
6 master; or that possess high artistic value; or that represent a distinguishable entity
7 whose components may lack individual distinction; or

8
9 d. Archaeological Significance – Has yielded, or is likely to yield
10 information in history or prehistory; or

11
12 e. Listed in the National Register of Historic Places; or

13
14 f. Aesthetic Significance – Is part of or related to a landscape, park,
15 environmental feature or other distinctive area, and should be developed or
16 preserved according to a plan based upon a historic, cultural, or architectural
17 motif; or because of its prominent or special local, contrast of siting, age, or scale
18 is an easily identifiable visual feature of a neighborhood or area or contributes to
19 the distinctive quality of such neighborhood or area.

20
21 (2) Certain properties, which include cemeteries, birthplaces, properties
22 owned by religious institutions or used for religious purposes, structures that have been
23 moved from their original locations, properties that have achieved significance within the
24 last fifty (50) years, and properties commemorative in nature will not normally be
25 considered for designation on the St. Lucie County Register of Historic Places. However,
26 such properties will qualify if they are integral parts of districts that do meet the criteria,
27 or if they fall within the following categories:

28
29 a. A religious property deriving primary significance from
30 architectural or artistic distinction of historical importance;

31
32 b. A building or structure removed from its location but which is
33 primarily significant for architectural value, or is the surviving structure most
34 importantly associated with an historic event or person;

35
36 c. There is no other appropriate site or building directly associated
37 with the life of a person significant in the County, the region, the state or the
38 nation’s past;

39
40 d. A cemetery that derives its primary significance from graves of
41 persons of transcendent importance, from age, distinctive design features, or from
42 association with historic events;

43
44 e. A property primarily commemorative in intent if design, age,
45 tradition or symbolic value has invested it with its own historical significance;
46

1 f. A property or district achieving significance within the past fifty
2 (50) years if it is of exceptional importance.
3

4 **Section 1-10.2-13. Procedures for historic designation.**
5

6 Properties that meet the criteria for local historic sites and local historic districts set forth
7 in Section 1-10.2-12 shall be designated according to the following procedures:
8

9 (1) *Petition of the owner.* The owner(s) of any property in St. Lucie County
10 may petition the Historic Preservation Committee for designation of their property as an
11 individual site or district. The Historic Preservation Officer shall, based on its findings,
12 either recommend a designation report be prepared or recommend denial of the petition.
13 Nothing in this subsection shall be deemed to restrict the power of the Historic
14 Preservation Committee to initiate the designation process pursuant to this section.
15

16 (2) *Directive of the Historic Preservation Committee.* The Historic
17 Preservation Committee shall either accept or deny the application. By accepting the
18 application, the Historic Preservation Committee must set a date for a public hearing and
19 shall direct staff to complete the designation report and notify the proper parties of the
20 public hearing.
21

22 (3) *Initiation by the Historic Preservation Committee -* Based upon
23 recommendations from historical groups, the Historic Preservation Committee may
24 initiate the designation of properties which meet one or more of the criteria set forth in
25 Subsections 1-10.2-20(4)(a)-(f) and is proposed for major alteration, relocation or
26 demolition by setting a date for a public hearing, notifying the property owner and
27 directing staff to prepare the designation report.
28

29 (4) *Designation Reports.* Prior to the designation of an individual site, or a
30 district, the Historic Preservation Officer shall prepare an investigation and designation
31 report and submit it to the Historic Preservation Committee. All reports must address the
32 following:
33

34 a. Legal description of the property.
35

36 b. The historical, cultural, architectural or archaeological significance
37 or how the property fulfills the criteria for designation.
38

39 c. Boundaries for individual historic sites and a recommendation of
40 boundaries for districts. When a district is recommended, the report must
41 identify those properties which are considered “contributing” (i.e., that
42 they contribute to creating the historic character of the district) or “non-
43 contributing” (i.e., that they do not contribute to creating the character of
44 the district), but which require regulation in order to control potentially
45 adverse influences on the character and integrity of the district. The
46 standards for regulating non-contributing properties shall provide that a

1 Certificate of Appropriateness and/or Certificate to Dig, as appropriate,
2 shall be required for alterations and new construction on such properties.
3

4 d. Zoning Regulations. Every historic site and historic district may
5 include detailed zoning regulations made to be compatible with its
6 designation. Such regulations may be designed to supplant or modify any
7 element of existing zoning regulations, including but not limited to use,
8 floor area ratio, density, height, set-backs, parking, minimum lot size or
9 create any additional regulations provided for in this section. The zoning
10 amendment may identify individual properties, improvements, landscape
11 features or sites for which different regulations; standards and procedures
12 may be required. Said zoning regulations shall not be effective until the
13 Board approves the regulations.
14

15 e. The report shall also contain a location map and photographs of all
16 exterior surfaces, and interiors when applicable.
17

18 f. Optional Designation of Interiors. Normally interior spaces shall
19 not be subject to regulation under this ordinance; however, in cases of
20 existing structures that possess interior spaces that are of exceptional
21 architectural, artistic or historical importance, and are interior spaces
22 which are customarily open to the public, they may be specifically
23 designated. The Designation Report shall describe precisely those features
24 subject to review and shall set forth standards and guidelines for such
25 regulations.
26

27 g. Designation reports shall also include a copy of any survey
28 materials related to such property, the property appraiser's records of such
29 property and a copy of the public hearing newspaper advertisement.
30

31 (5) Notification of owner. For each proposed designation of an individual site
32 or district, the Historic Preservation Committee is encouraged to obtain the permission of
33 the property owner(s) of the individual site or within the designated area, and is
34 responsible for sending by certified mail a copy of the designation report to the owner(s)
35 as notification of the intent of the Historic Preservation Committee to consider
36 designation of the property at least thirty (30) days prior to a public hearing held pursuant
37 to this ordinance.
38

39 (6) Interim protection measure: From the date of said notification of the
40 owner, no building construction or vegetation removal permit for any new construction,
41 alteration, relocation, or demolition or surface alterations that may affect the property
42 proposed for designation shall be issued until the Board approves or denies the
43 designation in accordance with this section, or one hundred twenty (120) days have
44 elapsed, whichever shall occur first
45

1 (7) Notification of government agencies. Upon filing of a designation report,
2 the Historic Preservation Officer shall immediately notify the appropriate building and
3 zoning department, the appropriate public works department and any other County or
4 municipal agency, including agencies with demolition powers, that may be affected by
5 said filing.

6
7 (8) Notice of Historic Preservation Committee public hearing. For each
8 individual site or district proposed for designation, a public hearing must be held no
9 sooner than thirty (30) days and within sixty (60) days from the date a designation report
10 has been filed with the Historic Preservation Committee. Property owners within a radius
11 of 150' from the area proposed for designation shall receive a courtesy notice of the
12 hearing, to be mailed at least fifteen (15) days prior to the date of the hearing. Owners of
13 record of the proposed designated properties, shall be notified of the public hearing by
14 certified mail to the last known address of the party being served; however, failure to
15 receive such notice shall not invalidate the same as such notice shall also be perfected by
16 publishing a copy thereof in a newspaper of general circulation at least fifteen (15) days
17 prior to the hearing. Owners shall be given an opportunity at the public hearing to object
18 to the proposed designation.

19
20 (9) Requirement of prompt decision and notification. Following the public
21 hearing, the Historic Preservation Committee shall recommend approval, denial or
22 amendment of the proposed designation and shall forward its recommendation to the
23 Board within thirty (30) days of the hearing for final approval.

24
25 (10) Notice of Board public hearing. Upon receipt of the Historic Preservation
26 Committee's recommendation, the Board shall schedule a public hearing to consider the
27 proposed designation. The public hearing must be held no sooner than thirty (30) days
28 and within sixty (60) days from the date the Historic Preservation Committee
29 recommendation is filed with the Board. Property owners within a radius of 150' from
30 the area proposed for designation shall receive a courtesy notice of the hearing, to be
31 mailed at least fifteen (15) days prior to the date of the hearing. Owners of record of the
32 proposed designated properties, shall be notified of the public hearing by certified mail to
33 the last known address of the party being served; however, failure to receive such notice
34 shall not invalidate the same as such notice shall also be perfected by publishing a copy
35 thereof in a newspaper of general circulation at least fifteen (15) days prior to the hearing.
36 Owners shall be given an opportunity at the public hearing to object to the proposed
37 designation.

38
39 (11) Requirement of prompt decision and notice. The Board shall either
40 approve, deny or approve with conditions the designation, and shall designate the
41 property by resolution. In the event the Owner, or a majority of the Owners if owned by
42 more than one person, objects in writing to the proposed designation, the proposed
43 designation shall not be approved except by the favorable vote of four-fifths (4/5) of all
44 of the Board. If approved, the property shall be added to the St. Lucie County Local
45 Register of Historic Places. The following parties shall be notified of its actions with a
46 copy of the resolution.

- a. St. Lucie County Growth Management Department;
- b. St. Lucie County Public Works Department;
- c. St. Lucie County Clerk of Court;
- d. Owner(s) of the designated property and other parties having an interest in the property, if known;
- e. Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action; and,
- f. St. Lucie County Property Appraiser.

(12) Amendment or rescission. In the event the Historic Preservation Committee determines a property no longer in full or in part meets the criteria set forth in Section 1-10.2-12, the Historic Preservation Committee may recommend an amendment or rescission of any designation provided it complies with the same manners and procedures used in the original designation.

(13) Appeal of Designation. A party aggrieved by a designation decision may appeal such decision in the manner provided for in this ordinance.

(14) Recording of designation. The Board shall provide the Clerk of Circuit Court with all designations for the purpose of recording such designation and the Clerk of Circuit Court shall thereupon record the designation according to law.

(15) St. Lucie County Local Register Map. On or before October 1st of each year, the Historic Preservation Officer shall prepare a map showing all properties listed on the Local Register of Historic Places as of that date. The Historic Preservation Officer may update the map at such other times as he deems appropriate to reflect changes to the Local Register.

ARTICLE V. CERTIFICATE OF APPROPRIATENESS

Section 1-10.2-14. Required

(1) No building, site, landscape feature, object, structure, or earthwork, within St. Lucie County which has been designated pursuant to this ordinance or is located within an archaeological zone as defined in Section 1-10.2-4 shall be altered, restored, rehabilitated, excavated, moved or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this article. The application shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors, walls and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Article IV. Landscape features and site improvements shall include, but are not limited to, site grading, subsurface alterations, fill deposition, paving, landscaping, vegetation removal, walls, fences,

1 courtyards, signs and exterior lighting. No Certificate of Appropriateness shall be
2 approved unless the architectural or development plans for said construction, alteration,
3 excavation, restoration, rehabilitation, relocation or demolition are approved by the
4 Historic Preservation Committee.

5
6 (2) No permit shall be issued by the County that affects any property
7 designated pursuant to this ordinance without a Certificate of Appropriateness.

8
9 (3) All work performed pursuant to the issuance of the Certificate of
10 Appropriateness shall conform to the requirements of the certificate. The Board shall
11 designate an appropriate official to assist the Historic Preservation Committee by making
12 necessary inspections in connection with enforcement of this chapter and shall be
13 empowered to issue a stop work order if performance is not in accordance with the issued
14 certificate. No work shall proceed as long as a stop work order continues in effect. Copies
15 of inspection reports shall be furnished to the Historic Preservation Committee and copies
16 of any stop work orders both to the Historic Preservation Committee and the applicant.
17 The Public Works Director or appropriate official and staff for the Historic Preservation
18 Committee shall be responsible for ensuring that any work not in accordance with an
19 issued Certificate of Appropriateness shall be corrected to comply with the Certificate of
20 Appropriateness prior to withdrawing the stop work order.

21
22 (4) Any certificate of appropriateness issued pursuant to the provision of this
23 section shall expire 12 months from the date of issuance, unless the authorized work is
24 commenced within this time period or a building permit has been obtained.

25
26 (5) Any change in work proposed subsequent to the issuance of a certificate of
27 appropriateness shall be reviewed by the Historic Preservation Officer. If the Historic
28 Preservation Officer finds that the proposed change does not affect the property's historic
29 character and that the change is in accord with approved guidelines, standards and the
30 general intent of the original certificate of appropriateness, the Historic Preservation
31 Officer may issue a supplementary standard certificate of appropriateness for such
32 change. If the proposed change is not in accord with the guidelines, standards or the
33 original intent of the Certificate of Appropriateness, a new application for a special
34 certificate of appropriateness shall be required.

35
36 (6) A designated structure or home that is located in a historic district or
37 archaeological zone may not be relocated except upon approval of a certificate of
38 appropriateness. In considering such certificate the Board shall determine whether any
39 reasonable alternative is available for preserving the improvement or structure on its
40 original site and whether the proposed relocation site is compatible with the historic and
41 architectural integrity of the improvement or structure.

42
43 (7) For the purpose of remedying emergency conditions determined to be
44 dangerous to life, health or property, nothing contained herein shall prevent the making
45 of any temporary construction, reconstruction or other repairs to a building or site in St.
46 Lucie county, pursuant to an order of a government agency or a court of competent

1 jurisdiction. The owner of a building damaged by fire or natural calamity shall be
2 permitted to stabilize the building immediately without Historic Preservation Committee
3 approval and to rehabilitate it later under the normal review procedures of this ordinance.
4

5 (8) Where the Historic Preservation Officer or the Historic Preservation
6 Committee determines that any improvement within a designated historic site or
7 designate historic district is endangered by lack of maintenance and repair, or that other
8 improvements in visual proximity to a historic sight or historic district lack maintenance
9 and repair to such an extent as to detract from the desirable character of the historic site
10 or historic district, such determination shall be reported to the Code Compliance
11 Division. In the event the County Building Official determines that any structure within
12 a designated historic site or historic district is unsafe pursuant to the Florida Building
13 Code, as adopted by the County, or in violation of the Property Maintenance Ordinance
14 as set forth in Section 13.09.00 of the St. Lucie County Land Development Code, such
15 official shall immediately notify the Historic Preservation Committee with a copy of any
16 findings. Where reasonably feasible within applicable laws and regulations, the Code
17 Compliance Division shall endeavor to encourage repair of the structure rather than its
18 demolition and shall take into consideration any comments and recommendations by the
19 Historic Preservation Officer. The Historic Preservation Committee and/or the Board
20 may take appropriate action to encourage preservation of any such structure.
21

22 **Section 1-10.2-15. Forms and fees.**

23
24 Applications for Certificates of Appropriateness must be made on forms approved and
25 provided by the Historic Preservation Committee and must be submitted with the
26 appropriate fee to the Historic Preservation Officer pursuant to the fee schedule
27 established by resolution of the Board.
28

29 **Section 1-10.2-16. Pre-application conference**

30
31 Before submitting an application for a Certificate of Appropriateness, an applicant is
32 encouraged to confer with the Historic Preservation Officer to obtain information and
33 guidance before entering into binding commitments or incurring substantial expenses in
34 the preparation of plans, surveys and other data. At the request of the applicant, the
35 Historic Preservation Officer, or any member of the Historic Preservation Committee, an
36 additional pre-application conference shall be held between the applicant and the Historic
37 Preservation Committee or its designated representative. The purpose of such conference
38 shall be to further discuss and clarify preservation objectives and guidelines. In no case,
39 however, shall any statement or representation made prior to the official application
40 review be binding on the Historic Preservation Committee, the Board, or any County
41 department. The owner(s) of a designated property are also encouraged to consult with
42 the Historic Preservation Officer prior to the commencement of any routine maintenance
43 and/or repairs to the site.
44

45 **Section 1-10.2-17. Standards for review and issuance.**

1 The U.S. Secretary of the Interior's Standards for the Rehabilitation are hereby adopted
2 as the standards by which applications for any Certificates of Appropriateness are to be
3 measured and evaluated. In adopting these standards, it is the intent of this ordinance to
4 promote the proper maintenance, restoration, preservation, rehabilitation appropriate to
5 the property, and compatible contemporary designs which are harmonious with the
6 exterior architecture and landscape features of neighboring buildings, sites and
7 streetscapes. From time to time, the Historic Preservation Committee may adopt
8 additional standards to preserve and protect special features unique to the County. Based
9 on the Secretary of the Interior's Standards, the designation report, a complete
10 application, any additional plans, drawings, photographs and samples of materials to fully
11 describe the proposed project, the Historic Preservation Committee may approve or deny
12 the application for a Certificate of Appropriateness.

13
14 **Section 1-10.2-18. Standard Certificate of Appropriateness.**

15
16 Where the action proposed in an application is a minor alteration to a designated site or
17 contributing resource within a historic district, as specified by the rules of procedure of
18 the Historic Preservation Committee, and satisfies the standards as set forth in Section 1-
19 10.2-17, the Historic Preservation Officer shall, within ten (10) calendar days of receipt
20 of the complete application, approve or deny the application. The findings of the Historic
21 Preservation Officer shall be mailed to the applicant within three (3) days of the staff's
22 decision, accompanied by a statement that explains the Officer's decision. The applicant
23 shall have an opportunity to challenge the Officer's decision by applying for a Special
24 Certificate of Appropriateness, within thirty (30) days of the Officer's findings. Further,
25 the applicant may also request that his/her application be classified as a Special
26 Certificate of Appropriateness so that the Historic Preservation Committee will consider
27 it.

28
29 **Section 1-10.2-19. Special Certificate of Appropriateness.**

30
31 Where the action proposed in an application involves a major alteration, relocation or
32 demolition to a designated site or a contributing resource within a historic district, as
33 specified by the rules of the Historic Preservation Committee, or where the Historic
34 Preservation Officer finds that the action proposed in an application is not clearly in
35 accord with the standards as set forth in Section 1-10.2-17, the application shall be
36 classified as a Special Certificate of Appropriateness and the following procedures shall
37 govern:

38
39 (1) Public Hearing. When a complete application is received, the Historic
40 Preservation Officer shall place the application on the next regularly scheduled meeting
41 of the Historic Preservation Committee. The Historic Preservation Committee shall hold
42 a public hearing with notice of the application and the time and place of the hearing as
43 follows:

44
45 b. The applicant shall be notified by mail at least ten (10) calendar
46 days prior to the meeting.

1
2 c. Any individual or organization requesting such notification and
3 paying any established fees therefore shall be notified by mail at least ten (10)
4 calendar days prior to the hearing.

5
6 d. An advertisement shall be placed in a newspaper at least ten (10)
7 calendar days prior to the hearing.

8
9 e. The Historic Preservation Committee shall approve, deny or
10 approve with conditions, subject to the acceptance of those conditions by the
11 applicant. The Historic Preservation Committee may suspend action on the
12 application for a period not to exceed thirty (30) days, in order to seek technical
13 advice from outside its members, or to meet further with the applicant to revise or
14 modify the application.

15
16 f. The decision of the Historic Preservation Committee shall be
17 issued in writing. Evidence of approval shall be by Certificate of Appropriateness
18 issued by the Historic Preservation Committee or its designated staff. When an
19 application is denied, the Historic Preservation Committee's notice shall provide
20 an adequate written explanation of its decision.

21
22 (2) The provisions of subsections 1-10.2-14 shall apply to all actions
23 governed by this section.

24 25 **Section 1-10.2- 20. Demolition**

26
27 (1) Demolition of a building, site, district, landscape feature, object, structure,
28 earthwork, or such resource that has been designated as historic pursuant to this
29 ordinance or is located within an archaeological zone as defined in Section 1-10.2-4 may
30 occur only pursuant to an order of a government agency or a court of competent
31 jurisdiction or pursuant to an approved application by the owner for a Special Certificate
32 of Appropriateness.

33
34 (2) Government agencies having the authority to demolish unsafe structures
35 shall receive notice of designation of buildings, sites, districts, landscape features,
36 objects, structures, and archaeological sites or zones. The Historic Preservation
37 Committee shall be deemed an interested party and shall be entitled to receive notice of
38 any public hearings conducted by said government agency regarding demolition of any
39 property designated or documented as historic pursuant to this ordinance. The Historic
40 Preservation Committee may make recommendations and suggestions to the government
41 agency and the owner(s) relative to the feasibility of and the public interest in preserving
42 the designated property.

43
44 (3) No permit for voluntary demolition of a building, site, district, landscape
45 feature, object, structure, earthwork, an archaeological site, or such resource that has been
46 designated as historic pursuant to this ordinance shall be issued to the owner(s) thereof

1 until an application for a Special Certificate of Appropriateness has been submitted and
2 approved pursuant to the procedures in this section. Refusal by the Historic Preservation
3 Committee to grant a Special Certificate of Appropriateness shall be evidenced by written
4 order detailing the public interest which is sought to be preserved. The Historic
5 Preservation Committee shall be guided by the criteria contained in Section 1-10.2-17.
6 The Historic Preservation Committee may grant a Special Certificate of Appropriateness,
7 which may provide for a delayed effective date of up to eighteen (18) months. The
8 effective date shall be determined by the Historic Preservation Committee based upon the
9 relative significance of the structure and the probable time required to arrange a possible
10 alternative to demolition. During the demolition delay period, the Historic Preservation
11 Committee may take such steps as it deems necessary to preserve the structure concerned,
12 in accordance with the purposes of this chapter. Such steps may include, but shall not be
13 limited to, consultation with civic groups, public agencies and interested citizens,
14 recommendations for acquisition of property by public or private bodies or agencies, and
15 exploration of the possibility of moving one (1) or more structures or other features.
16

17 (4) In addition to all other provisions of this Section, the Historic Preservation
18 Committee shall consider the following criteria in evaluating applications for Special
19 Certificates of Appropriateness for the demolition of a historic building, site, landscape
20 feature, object, structure, earthwork, or archaeological site.
21

22 a. Whether the historic resource is of such interest or quality that it
23 would reasonably meet national, state or local criteria for designation.
24

25 b. Whether the historic resource is of such design, craftsmanship, or
26 material that it could be reproduced only with great difficulty and/or expense.
27

28 c. Whether the historic resource is one of the last remaining examples
29 of its kind in the County or the region.
30

31 d. Whether the historic resource contributes significantly to the
32 historic character of a designated historic district.
33

34 e. Whether retention of the historic resource promotes the general
35 welfare of the County by providing an opportunity for study of local history,
36 architecture and design or by developing an understanding of the importance and
37 value of a particular culture and heritage.
38

39 f. Whether there are definite plans for reuse of the property where the
40 historic resource is located, if the proposed demolition is carried out, and what
41 will be the effect of those plans on the character of the surrounding area.
42
43

44 **Section 1-10.2-21. Economic Hardship.**
45

1 (1) Where, by reason of particular site conditions and restraints, or because of
2 unusual circumstances applicable solely to the particular applicant, strict enforcement of
3 the provisions of this chapter would result in serious undue economic hardship to the
4 applicant, the Historic Preservation Committee shall recommend to the Board whether it
5 is appropriate to vary or modify adherence to this ordinance; provided always that its
6 requirements ensure harmony with the general purposes hereof and will not adversely
7 affect St. Lucie County.
8

9 (2) In any instance where there is a claim of undue economic hardship, the
10 owner may submit, by affidavit, to the Historic Preservation Committee at least fifteen
11 (15) days prior to the public hearing, the following information:
12

13 a. For all property:
14

- 15 1. The amount paid for the property, the date of purchase and
16 the party from whom purchased;
17
- 18 2. The assessed value of the land and improvements thereon
19 according to the two (2) most recent assessments;
20
- 21 3. Real estate taxes for the previous two (2) years;
22
- 23 4. Annual debt service, if any, for the previous two (2) years;
24
- 25 5. All appraisals obtained within the previous two (2) years by
26 the owner or applicant in connection with his purchase,
27 financing or ownership of the property;
28
- 29 6. Any listing of the property for sale or rent, price asked and
30 offers received, if any;
31
- 32 7. Any consideration by the owner as to profitable adaptive
33 uses for the property;
34
- 35 8. An estimate of the cost of the proposed demolition or
36 relocation;
37
- 38 9. A report from a licensed engineer or architect with
39 experience in historic rehabilitation as to the structural
40 soundness of the structure, and its suitability for relocation
41 and/or rehabilitation, however, the County may retain an
42 independent engineer and/or architect to review and
43 approve the report; and
44
- 45 10. An estimate from an architect, developer, real estate
46 consultant, appraiser or other professional as to the

1 economic feasibility of the rehabilitation or adaptive use of
2 the existing structure however, the County may retain an
3 independent engineer and/or architect to review and
4 approve the estimate.

5
6 b. For income-producing property:

7
8 1. Annual gross income from the property for the previous
9 two (2) years;

10
11 2. Itemized operating and maintenance expenses for the
12 previous two (2) years; and

13
14 3. Annual cash flow, if any, for the previous two (2) years.

15
16 (2) The Historic Preservation Committee may require that an applicant furnish
17 such additional information as the Historic Preservation Committee believes is relevant to
18 its determination of undue economic hardship and may provide in appropriate instances
19 that such additional information be furnished under seal. In the event that any of the
20 required information is not reasonably available to the applicant and cannot be obtained
21 by the applicant, the applicant shall file with his/her affidavit a statement of the
22 information that cannot be obtained and shall describe the reasons why such information
23 cannot be obtained.

24
25 **Section 1-10.2-22. Maintenance of designated properties.**

26
27 Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair
28 of any elements of any building, agricultural property, utility or structure which does not
29 involve a change of design, appearance or material, and which does not require a building
30 permit.

31
32 **ARTICLE VI. CERTIFICATE TO DIG**

33
34 **Section 1-10.2-23. Certificate to Dig.**

35
36 (1) A Certificate to Dig is a type of Certificate of Appropriateness. Within an
37 archaeological zone as defined in Section 1-10.2-4, new construction, filling, digging, the
38 removal of trees, or any other activity that may alter or reveal an archaeological site shall
39 be prohibited without a Certificate to Dig. All applications to all appropriate County
40 agencies involving new construction, demolition, large-scale digging, the removal of
41 trees or any other activity that may reveal or disturb an archaeological site in an
42 archaeological zone shall require a Certificate to Dig before approval. Based on a
43 complete application for a Certificate to Dig and any additional guidelines the Historic
44 Preservation Committee may deem necessary, the staff of the Historic Preservation
45 Committee shall, within ten (10) days from the date the completed application has been
46 filed, approve or deny the application for a Certificate to Dig by the owners of a property

1 in a designated archaeological zone. The applicant shall have an opportunity to challenge
2 the Officer's decision by applying for a Special Certificate of Appropriateness, within
3 thirty (30) days of the Officer's findings. Further, the applicant may also request that
4 his/her application be classified as a Special Certificate of Appropriateness so that the
5 Historic Preservation Committee will consider it.

6
7 (2) The Certificate to Dig may be made subject to specified conditions,
8 including but not limited to conditions regarding site excavation. In order to comply with
9 the requirements of the Certificate to Dig, the applicant may be required to conduct an
10 archaeological excavation by a professional archaeologist who meets the *U.S. Secretary*
11 *of the Interior's Standards* to conduct excavations and monitoring from the time of the
12 approval of the Certificate to Dig until the effective date thereof. The findings of the
13 Officer shall be mailed to the applicant by registered mail promptly. The applicant shall
14 have the opportunity to challenge the staff decision or any conditions attached to the
15 Certificate to Dig by filing a written notice of appeal to the Historic Preservation
16 Committee within thirty (30) days after receipt.

17
18 (3) *Approved Certificates to Dig.* Approved Certificates to Dig shall contain
19 an effective date not to exceed sixty (60) days, at which time the proposed activity may
20 begin, unless the Historic Preservation Committee decides to designate the site in
21 question as an individual site or district. In that case, all the rules and regulations
22 pertaining to the designation process shall apply from the date the designation report has
23 been filed.

24
25 (4) All work performed pursuant to the issuance of a Certificate of
26 Appropriateness or Certificate to Dig shall conform to the requirements of such
27 Certificate. It shall be the duty of the appropriate government agencies and the staff of the
28 Historic Preservation Committee to inspect from time to time any work pursuant to such
29 Certificate to assure compliance. In the event work is performed not in accordance with
30 such Certificate, the Historic Preservation Officer shall be empowered to issue a stop
31 work order and all work shall cease. No person, firm or corporation shall undertake any
32 work on such projects as long as such stop work order shall continue in effect.

33
34 (5) The provisions of subsections 1-10.2-14 shall apply to all actions
35 governed by this section.

36 37 38 39 **ARTICLE VI. APPEALS**

40 41 **Section 1-10.2-24. Appeals.**

42
43 Within thirty (30) days of the written decision of the Historic Preservation Committee, an
44 aggrieved party may appeal the decision by filing a written notice of appeal with the
45 Clerk of the Board of County Commissioners. The notice of appeal shall state the
46 decision which is being appealed, the grounds for the appeal, and a brief summary of the

1 relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular
2 Board meeting which is scheduled, whichever is later in time, the Board shall conduct a
3 public hearing at which time they may affirm, modify or reverse the decision of the
4 Historic Preservation Committee. Nothing contained herein shall preclude the Board
5 from seeking additional information prior to rendering a final decision. The decision of
6 the Board shall be in writing and a copy of the decision shall be forwarded to the Historic
7 Preservation Committee and the appealing party.

8
9 Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a
10 party aggrieved by a decision of the Board may appeal an adverse decision to the Circuit
11 Court in and for St. Lucie County, Florida.

12 13 14 15 **ARTICLE VIII. PENALTIES**

16 17 **Section 1-10.2-25. Penalties.**

18
19 The provisions of this ordinance may be enforced by the St. Lucie County Code
20 Enforcement Board. This provision shall not preclude enforcement of this article in the
21 Circuit Court or as otherwise authorized by law.

22 23 24 **ARTICLE IX. INCENTIVES**

25 26 **Section 1-10.2-26. Incentives.**

27
28 All properties designated as historic resources pursuant to this ordinance shall be
29 eligible, upon application by the owner(s), for any available financial assistance set aside
30 for historic preservation by St. Lucie County contingent on the availability of funds and
31 the scope of the project as described in the application.

32 33 **Section 1-10.2-27. Tax exemptions for rehabilitations to designated historic** 34 **properties.**

35
36 (1) *Scope of tax exemptions.* A method is hereby created for the Board, at its
37 discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of
38 historic resources. The exemption shall apply to one hundred percent (100%) of the
39 assessed value of all improvements to historic properties which result from restoration,
40 renovation, or rehabilitation made on or after the effective date of this ordinance. The
41 exemption applies only to taxes levied by St. Lucie County. The exemption does not
42 apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the
43 electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.
44 The exemption does not apply to personal property.
45

1 (2) Duration of tax exemptions. Any exemption granted under this section to a
2 particular property shall remain in effect for ten (10) years. The Board shall have the
3 discretion to set a lesser term. The term of the exemption shall be specified in the
4 ordinance approving the exemption. The duration of the exemption as established in the
5 ordinance granting the exemption shall continue regardless of any change in the authority
6 of the County to grant such exemptions or any change in ownership of the property. In
7 order to retain an exemption, however, the historic character of the property, and
8 improvements which qualified the property for an exemption, must be maintained in their
9 historic state over the period for which the exemption was granted.

10
11 (3) Eligible properties and improvements. Property is qualified for an
12 exemption under this section if:

13
14 a. At the time the exemption is granted the property:

15
16 1. Is individually listed in the National Register of Historic
17 Places pursuant to the National Historic Preservation Act of 1966,
18 as amended; or

19
20 2. Is identified as a contributing property in a National
21 Register of Historic Places listed district;

22
23 3. Is individually listed in the St. Lucie County Register of
24 Historic Places pursuant to this ordinance;

25
26 4. Is identified as a contributing property to a historic district,
27 under the terms of the St. Lucie County Ordinance.

28
29 b. The Historic Preservation Committee has certified to the Board
30 that the property for which an exemption is requested satisfies paragraph (i).

31
32 (3) In order for an improvement to a historic property to qualify the property
33 for an exemption, the improvement must:

34
35 a. Be consistent with the U.S. Secretary of the Interior's Standards
36 for Rehabilitation; and

37
38 b. Be determined by the St. Lucie Historic Preservation Committee to
39 meet the criteria established in the Rule 1A-38, Florida Administrative Code.

40
41 c. The St. Lucie County Historic Preservation Committee has issued
42 a Special Certificate of Appropriates for the proposed improvements.

43
44 (4) Applications. Any person, firm, or corporation that desires an ad valorem
45 tax exemption for the improvement of a historic property must, in the year the exemption

1 is desired to take effect, file with the Board a written application on a form prescribed by
2 the Department of State. The application must include the following information:

3
4 a. The name of the property owner and the location of the historic
5 property;

6
7 b. A description of the improvements to real property for which an
8 exemption is requested and the date of commencement of construction of such
9 improvements;

10
11 c. Proof, to the satisfaction of the Historic Preservation Committee,
12 that the property that is to be rehabilitated or restored has been designated historic
13 pursuant to this ordinance;

14
15 d. Proof, to the satisfaction of the Historic Preservation Committee,
16 that the improvements to the property will be consistent with the *U.S. Secretary of*
17 *Interior's Standards for Rehabilitation*;

18
19 e. Other information identified in appropriate Department of State
20 regulations, or requested by the Historic Preservation Committee; and

21
22 f. A completed application for a Special Certificate of
23 Appropriateness for the qualifying restoration or rehabilitation.

24
25 (5) *Required covenant.* To qualify for an exemption, the property owner must
26 enter into a covenant or agreement with the Board for the term for which the exemption is
27 granted. The form of the covenant or agreement must be established by the Department
28 of State and must require that the character of the property, and the qualifying
29 improvements to the property, be maintained during the period that the exemption is
30 granted. The covenant or agreement shall be binding on the current property owner,
31 transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement
32 results in the property owner being subject to the payment of the differences between the
33 total amount of taxes which would have been due in March in each of the previous years
34 in which the covenant or agreement was in effect had the property not received the
35 exemption and the total amount of taxes actually paid in those years, plus interest on the
36 difference calculated as provided in Section 212.12(3), Florida Statutes.

37
38 (6) The Historic Preservation Committee, or its successor, is designated to
39 review applications for exemptions. The Historic Preservation Committee must
40 recommend that the Board grant or deny the exemption. Such reviews must be conducted
41 in accordance with rules adopted by the Department of State. The recommendation, and
42 the reasons therefore, must be provided to the applicant and to the Board before
43 consideration of the application at an official meeting of the Board.

44
45 (7) *Approval by Board.* A majority vote of the Board shall be required to
46 approve a written application for exemption. Such exemption shall take effect on the

1 January 1 following substantial completion of the improvement. The Board shall include
2 the following in the resolution approving the written application for exemption:

3
4 b. The name of the owner and the address of the historic property for
5 which the exemption is granted;

6
7 c. The period of time for which the exemption will remain in effect
8 and the expiration date of the exemption; and

9
10 d. A finding that the historic property meets the requirements of this
11 ordinance.

12
13 **PART B. CONFLICTING PROVISIONS.**

14
15 Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie
16 County, County ordinances and County resolutions, or parts thereof, in conflict with this
17 ordinance are hereby superseded by this ordinance to the extent of such conflict.

18
19 **PART C. SEVERABILITY.**

20
21 If any portion of this ordinance is for any reason held or declared to be unconstitutional,
22 inoperative, or void, such holding shall not affect the remaining portions of this
23 ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to
24 any person, property, or circumstance, such holding shall not affect its applicability to
25 any other person, property, or circumstance.

26
27 **PART D. APPLICABILITY OF ORDINANCE.**

28
29 This ordinance shall be applicable in the unincorporated area of St. Lucie County.

30
31 **PART E. FILING WITH THE DEPARTMENT OF STATE.**

32
33 The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to
34 the Bureau of Administrative Code and Laws, Department of State, The Capitol,
35 Tallahassee, Florida 32304.

36
37 **PART F. EFFECTIVE DATE.**

38
39 This ordinance shall take effect upon October 1, 2005.

40
41 **PART G. ADOPTION.**

42
43 After motion and second, the vote on this ordinance was as follows:

44
45 Chairman Frannie Hutchinson XXX

46
47 Vice Chairman Doug Coward XXX

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Commissioner Paula A. Lewis	XXX
Commissioner Chris Craft	XXX
Commissioner Joe Smith	XXX

PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word “ordinance” may be changed to “section, article, or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

PASSED AND DULY ENACTED this _____ day of _____, 2005.

ATTEST:	BOARD OF COUNTY COMMISSIONERS
	ST. LUCIE COUNTY, FLORIDA

_____	BY: _____
Deputy Clerk	Chairman

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney